

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 25-0870.01 Megan McCall x4215

HOUSE BILL 25-1313

HOUSE SPONSORSHIP

Story and Lindsay, Winter T.

SENATE SPONSORSHIP

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House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO CERTAIN LAWS THAT ARE WITHIN**
102 **THE PURVIEW OF THE CAPITAL DEVELOPMENT COMMITTEE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Capital Development Committee. Section 1 of the bill modifies procedures for election of a chair and a vice-chair of the capital development committee (CDC) to require that the chair and the vice-chair be elected annually at the CDC's first December meeting. Additionally, the bill clarifies how the role of chair and vice-chair are served. In even-numbered years, the chair is a member from the senate and the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

vice-chair is a member from the house of representatives and in odd-numbered years the chair is a member from the house of representatives and the vice-chair is a member from the senate.

Section 2 removes the requirement that the transportation commission annually submit capital requests to the CDC.

Current law requires the Colorado commission on higher education (commission) to request annually from the governing board of each state institution of higher education (institution) a 2-year projection of certain capital construction projects to be undertaken by an institution which is then submitted to the CDC for review and approval. **Section 3** adjusts law to align with current practice by:

- Requiring that projections be reviewed at the commission's next available meeting;
- Repealing the requirement that an institution amend the projection prior to commencing a project if the project is not in the institution's most recent projection;
- Repealing the requirement that the commission annually prepare a unified, 2-year report for capital construction or capital renewal projects acquired or constructed and operated and maintained solely using cash funds held by an institution that are not for new acquisitions of real property or new construction and are estimated to require total project expenditures exceeding \$10 million;
- Repealing the requirement that the commission annually prepare a unified, 2-year report for capital construction projects for new acquisitions of real property or for new construction that are estimated to require total project expenditures exceeding \$2 million;
- Clarifying deadlines for the CDC to hold a hearing to review projections;
- Repealing the requirement that the CDC hold a hearing regarding projections whenever a projection is amended; and
- Repealing the requirement that the CDC review and approve guidelines prepared by the office of the state architect regarding the classification of facilities as academic facilities or auxiliary facilities.

Section 4 extends the deadline for the state treasurer's office to submit to the CDC and other agencies its annual report on the fiscal health of institutions from September 1 to March 1 of each year, beginning with the report that is due for the 2025-26 fiscal year.

Section 5 specifies November 1 of each year as a date certain by which agencies and institutions must encumber money for their capital construction projects. Under current law, if an agency or institution will not encumber money for its capital construction project within the period

specified, it may request that the CDC recommend to the controller that the deadline be waived for that project. **Section 5** modifies this allowance so that an agency or institution may request that the CDC recommend that the deadline be extended for a 6-month period.

Section 6 adjusts law to align with current practice by changing the date from January 1, which is always a holiday, to January 2 for the office of state planning and budgeting to submit to the CDC its updates to its recommended priority of funding for capital construction projects as part of the November 1 budget package.

Section 7 clarifies that any capital construction project that the CDC, in consultation with the council on creative industries, agrees does not meet the original purpose of the art in public places program may be exempt from the requirements of the program.

Section 8 clarifies that when a capital construction project receives a supplemental appropriation, it is available for the remainder of the state fiscal year for which the supplemental appropriation act was enacted and for the next 2 subsequent state fiscal years.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 2-3-1302, **amend**
3 (1.5) and (2) as follows:

4 **2-3-1302. Capital development committee established.** (1.5) In
5 order to expedite the work of the capital development committee,
6 ~~appointees may~~ APPOINTMENTS TO THE COMMITTEE SHALL ~~be designated~~
7 ~~after the general election~~ MADE NO LATER THAN DECEMBER 1 prior to the
8 convening of the general assembly at which such committee is to serve,
9 whether such appointees are members of the current general assembly or
10 members-elect of the next general assembly, or both. Such appointees
11 have all the powers and duties and are entitled to the same compensation
12 and expense allowance as members duly appointed under the provisions
13 of subsection (1) of this section.

14 (2) The capital development committee shall elect a chair and a
15 vice-chair ~~at the first meeting held on or after October 15 in each~~
16 ~~odd-numbered year and at the first December meeting held after the~~

1 ~~general election in each even-numbered~~ EACH year. The chair and
2 vice-chair appointments must alternate between a member from the house
3 of representatives and a member from the senate with the ~~first~~ chair being
4 from the senate and the ~~first~~ vice-chair being from the house of
5 representatives IN EVEN-NUMBERED YEARS AND WITH THE CHAIR BEING
6 FROM THE HOUSE OF REPRESENTATIVES AND THE VICE-CHAIR BEING FROM
7 THE SENATE IN ODD-NUMBERED YEARS. ~~The person serving as chair, or a~~
8 ~~member of the same house if such person is no longer a member thereof,~~
9 ~~shall serve as vice-chair during the next legislative session, and the person~~
10 ~~serving as vice-chair, or a member of the same house if such person is no~~
11 ~~longer a member thereof, shall serve as chair during the next legislative~~
12 ~~session.~~

13 **SECTION 2.** In Colorado Revised Statutes, 2-3-1304, **amend**
14 (1)(a.5) as follows:

15 **2-3-1304. Powers and duties of capital development**
16 **committee.** (1) The capital development committee has the following
17 powers and duties:

18 (a.5) To study ~~the request from~~ ANY REQUESTS SUBMITTED BY the
19 transportation commission for state highway reconstruction, repair, and
20 maintenance projects to be funded from money transferred to the capital
21 construction fund pursuant to section 24-75-302 (2), ~~C.R.S.~~, specifically
22 for such purpose. On or before October 1 of each year, the transportation
23 commission ~~shall~~ MAY submit its request, based on the statewide
24 transportation improvement programs, with a prioritized list of
25 recommended state highway reconstruction, repair, and maintenance
26 projects with the priority of projects on the list determined on the basis of
27 greatest need without regard to location in the state. IF THE

1 TRANSPORTATION COMMISSION SUBMITS A REQUEST, the capital
2 development committee shall determine FROM THE SUBMITTED REQUEST
3 the number of projects on the list that may be funded from money
4 available in the capital construction fund for state highway reconstruction,
5 repair, or maintenance projects. Only projects on the list may be funded
6 from money available in the capital construction fund for state highway
7 reconstruction, repair, or maintenance projects, and the projects must be
8 funded in the priority determined by the transportation commission;
9 except that, if a project on the list cannot be funded because an alternative
10 source of funding for the project has become available, a court order has
11 enjoined the project, or an act of God has made the project construction
12 unfeasible, the transportation commission shall submit the next phase of
13 that project or the next project on that regional priority list to the capital
14 development committee for approval as an addition to the list in lieu of
15 the project that cannot be funded. No substitute project submitted by the
16 transportation commission from the regional priority list shall be
17 approved by the capital development committee if funding said project
18 would result in the delay of any other project on the list. Upon approval
19 of an amended list, the department of transportation shall provide a copy
20 of the amended list to the members of the joint budget committee, the
21 transportation, HOUSING, and ~~energy~~ LOCAL GOVERNMENT committee in
22 the house of representatives, and the transportation AND ENERGY
23 committee in the senate, OR ANY SUCCESSOR COMMITTEES. Projects on the
24 list submitted by the transportation commission by October 1 or on an
25 amended list submitted as provided in this ~~paragraph (a.5)~~ SUBSECTION
26 (1)(a.5) may be funded from money transferred to the capital construction
27 fund and available in the current fiscal year or money to be transferred to

1 the capital construction fund for the fiscal year beginning the following
2 July 1.

3 **SECTION 3.** In Colorado Revised Statutes, 23-1-106, **amend**
4 (6)(b), (7)(c), (9)(a), (9)(b), and (10.2)(b)(I) introductory portion; and
5 **repeal** (9)(e) as follows:

6 **23-1-106. Duties and powers of the commission with respect**
7 **to capital construction and long-range planning - report - legislative**
8 **declaration - definitions.** (6) (b) The commission shall ~~request annually~~
9 ~~from the governing board of each state institution of higher education a~~
10 REVIEW, AT ITS NEXT AVAILABLE MEETING, ANY two-year projection of
11 capital construction projects SUBMITTED BY A STATE INSTITUTION OF
12 HIGHER EDUCATION to be undertaken pursuant to subsection (9) of this
13 section and estimated to require total project expenditures exceeding two
14 million dollars if the capital construction project is for new acquisitions
15 of real property or new construction and funded solely from cash funds
16 held by the institution or the project is funded through the higher
17 education revenue bond intercept program established pursuant to section
18 23-5-139, or exceeding ten million dollars if the project is not for new
19 acquisitions of real property or new construction and is funded solely
20 from cash funds held by the institution. The projection must include the
21 estimated cost, the method of funding, and a schedule for project
22 completion for each project. ~~A state institution of higher education shall~~
23 ~~amend the projection prior to commencing a project that is not included~~
24 ~~in the institution's most recent projection.~~

25 (7) (c) (I) ~~(A) The commission annually shall prepare a unified,~~
26 ~~two-year report for capital construction or capital renewal projects~~
27 ~~described in subsection (9) of this section that are not for new~~

1 ~~acquisitions of real property or new construction and are estimated to~~
2 ~~require total project expenditures exceeding ten million dollars,~~
3 ~~coordinated with education plans. The commission shall transmit the~~
4 ~~report to the office of state planning and budgeting, the governor, the~~
5 ~~capital development committee, and the joint budget committee,~~
6 ~~consistent with the executive budget timetable.~~

7 ~~(B) The commission annually shall prepare a unified, two-year~~
8 ~~report for capital construction projects for new acquisitions of real~~
9 ~~property or for new construction, estimated to require total project~~
10 ~~expenditures exceeding two million dollars, coordinated with education~~
11 ~~plans. The commission shall transmit the report to the office of state~~
12 ~~planning and budgeting, the governor, the capital development~~
13 ~~committee, and the joint budget committee, consistent with the executive~~
14 ~~budget timetable.~~

15 (II) (A) The commission shall submit the two-year projections
16 prepared by each state institution INSTITUTIONS of higher education for
17 each two-year period to the office of state planning and budgeting and the
18 capital development committee. The capital development committee shall
19 conduct a hearing in each regular legislative session on the projections
20 WITHIN THIRTY DAYS AFTER SUBMISSION DURING A REGULAR LEGISLATIVE
21 SESSION OF THE GENERAL ASSEMBLY OR WITHIN FORTY-FIVE DAYS AFTER
22 SUBMISSION DURING ANY PERIOD THAT THE GENERAL ASSEMBLY IS NOT IN
23 REGULAR LEGISLATIVE SESSION and either approve the projections or
24 return the projections to the state institution of higher education for
25 modification. The commission and the office of state planning and
26 budgeting shall provide the capital development committee with
27 comments concerning each projection.

1 ~~(B) A state institution of higher education may submit to the staff~~
2 ~~of the capital development committee, the commission, and the office of~~
3 ~~state planning and budgeting an amendment to its approved two-year~~
4 ~~projection. The capital development committee shall conduct a hearing~~
5 ~~on the amendment within thirty days after submission during a regular~~
6 ~~legislative session of the general assembly or within forty-five days after~~
7 ~~submission during any period that the general assembly is not in regular~~
8 ~~legislative session. The capital development committee shall either~~
9 ~~approve the projections or return the projections to the state institution of~~
10 ~~higher education for modification. The commission and the office of state~~
11 ~~planning and budgeting shall provide the capital development committee~~
12 ~~with comments concerning each amendment.~~

13 (9) (a) Except as provided in ~~paragraph (d) of this subsection (9)~~
14 SUBSECTION (9)(d) OF THIS SECTION, a capital construction or capital
15 renewal project for an auxiliary facility initiated by the governing board
16 of a state institution of higher education that ~~is contained in the most~~
17 ~~recent two-year projection approved pursuant to subparagraph (H) of~~
18 ~~paragraph (c) of subsection (7) of this section, as the projection may be~~
19 ~~amended from time to time~~ HAS BEEN APPROVED BY THE CAPITAL
20 DEVELOPMENT COMMITTEE AS PART OF A TWO-YEAR PROJECTION WITHIN
21 THE LAST TWO CALENDAR YEARS, and that is to be acquired or constructed
22 and operated and maintained solely from cash funds held by the
23 institution, is not subject to additional review or approval by the
24 commission, the office of state planning and budgeting, the capital
25 development committee, or the joint budget committee; except that, if the
26 capital construction or capital renewal project for an auxiliary facility is
27 to be acquired or constructed in whole or in part using ~~moneys~~ MONEY

1 subject to the higher education revenue bond intercept program
2 established pursuant to section 23-5-139, then the governing board of a
3 state institution of higher education must obtain approval from the general
4 assembly as specified in that section.

5 (b) Except as provided in ~~paragraph (d) of this subsection (9)~~
6 SUBSECTION (9)(d) OF THIS SECTION, a capital construction or capital
7 renewal project for an academic facility initiated by the governing board
8 of a state institution of higher education that ~~is contained in the most~~
9 ~~recent two-year projection approved pursuant to subparagraph (H) of~~
10 ~~paragraph (c) of subsection (7) of this section, as the projection may be~~
11 ~~amended from time to time~~ HAS BEEN APPROVED BY THE CAPITAL
12 DEVELOPMENT COMMITTEE AS PART OF A TWO-YEAR PROJECTION WITHIN
13 THE LAST TWO CALENDAR YEARS, and that is to be acquired or constructed
14 solely from cash funds held by the institution and operated and
15 maintained from such funds or from state ~~moneys~~ MONEY appropriated
16 for such purpose, or both, is not subject to additional review or approval
17 by the commission, the office of state planning and budgeting, the capital
18 development committee, or the joint budget committee; except that, if the
19 capital construction or capital renewal project for an academic facility is
20 to be acquired or constructed in whole or in part using ~~moneys~~ MONEY
21 subject to the higher education revenue bond intercept program
22 established pursuant to section 23-5-139, then the governing board of a
23 state institution of higher education must obtain approval from the general
24 assembly as specified in that section. Any capital construction or capital
25 renewal project subject to this ~~paragraph (b)~~ SUBSECTION (9)(b) must
26 comply with the high performance standard certification program
27 established pursuant to section 24-30-1305.5. ~~C.R.S.~~

1 ~~(e) A capital construction or acquisition project approved and~~
2 ~~appropriated prior to January 1, 2010, may be contained in the most~~
3 ~~recent unified two-year capital improvements project projection approved~~
4 ~~pursuant to subparagraph (II) of paragraph (c) of subsection (7) of this~~
5 ~~section. The projection may be amended from time to time and is not~~
6 ~~subject to additional review or approval by the commission, the office of~~
7 ~~state planning and budgeting, the capital development committee, or the~~
8 ~~joint budget committee.~~

9 (10.2) (b) (I) The general assembly hereby finds, determines, and
10 declares that the classification of facilities as academic facilities or
11 auxiliary facilities can be difficult, and such classifications often change
12 as academic needs, student needs, and new construction and design
13 practices emerge. Therefore, the office of the state architect, in
14 collaboration with the department of higher education and the office of
15 state planning and budgeting, shall develop guidelines in order to assist
16 such classification. ~~The guidelines shall be annually reviewed and~~
17 ~~approved by the capital development committee.~~ The guidelines must
18 address the following two factors that have historically been considered
19 when classifying academic facilities and auxiliary facilities:

20 **SECTION 4.** In Colorado Revised Statutes, 23-5-139, **amend**
21 (1)(d)(I) introductory portion as follows:

22 **23-5-139. Higher education revenue bond intercept program**
23 **- definitions.** (1) (d) (I) No later than September 1, 2016, and each
24 September 1 thereafter UNTIL THE REPORT THAT IS DUE FOR STATE FISCAL
25 YEAR 2025-26 WHICH IS DUE NO LATER THAN MARCH 1, 2026, AND EACH
26 MARCH 1 THEREAFTER FOR SUBSEQUENT REPORTS, the state treasurer shall
27 provide the capital development committee, the joint budget committee,

1 the Colorado commission on higher education, and the office of state
2 planning and budgeting with a report that includes:

3 **SECTION 5.** In Colorado Revised Statutes, 24-30-1404, **amend**
4 (7)(a), (7)(b), (7)(c) introductory portion, (7)(e), and (7)(f); **repeal** (7)(g)
5 and (7)(h); and **add** (7)(c)(V), (7)(c)(VI), (7)(c)(VII), and (7)(c)(VIII) as
6 follows:

7 **24-30-1404. Contracts - definition.** (7) (a) Except as provided
8 in subsections (7)(b), (7)(c), (7)(e), AND (7)(f) ~~(7)(g), and (7)(h)~~ of this
9 section, any professional services contract entered into pursuant to ~~the~~
10 ~~provisions of this part 14 shall~~ MUST be executed and encumbered
11 within six months after the date on which the appropriation that
12 includes the project for which the professional services are required
13 becomes law OR ON OR BEFORE NOVEMBER 1 OF THE STATE FISCAL YEAR
14 FOR WHICH THE APPROPRIATION THAT INCLUDES THE PROJECT FOR WHICH
15 THE PROFESSIONAL SERVICES ARE REQUIRED IS AUTHORIZED, WHICHEVER
16 IS LATER. If no professional services contract is required for a particular
17 project, the contract with the contractor for the project ~~shall~~ MUST be
18 entered into within six months after the appropriation OR ON OR BEFORE
19 NOVEMBER 1 OF THE STATE FISCAL YEAR FOR WHICH THE APPROPRIATION
20 IS AUTHORIZED, WHICHEVER IS LATER. If a state agency or state institution
21 of higher education determines that the nature of a particular project is
22 such that the deadlines imposed by this section cannot be met, the state
23 agency or state institution of higher education may request the capital
24 development committee to recommend to the controller that the deadline
25 be ~~waived~~ EXTENDED for that project; EXCEPT THAT FOR FEE TITLE
26 ACQUISITIONS BY THE DIVISION OF PARKS AND WILDLIFE IN THE
27 DEPARTMENT OF NATURAL RESOURCES, THE DEADLINE MAY BE WAIVED.

1 The controller, in consultation with the capital development committee
2 may grant a waiver from AN EXTENSION OF the deadlines OR A WAIVER, IF
3 APPLICABLE. ~~This subsection (7) shall not apply to projects under the~~
4 ~~supervision of the department of transportation. This subsection (7) shall~~
5 ~~not affect any priority established pursuant to section 44-40-111 (11) in~~
6 ~~the general appropriation act for expenditures for projects to be financed~~
7 ~~from net lottery proceeds appropriated for capital construction. AN~~
8 EXTENSION THAT IS RECOMMENDED OR GRANTED PURSUANT TO THIS
9 SUBSECTION (7)(a) SHALL NOT EXCEED SIX MONTHS.

10 (b) (I) ~~The deadlines established in paragraph (a) of this~~
11 ~~subsection (7) shall apply to~~ THIS SUBSECTION (7) DOES NOT AFFECT ANY
12 PRIORITY ESTABLISHED PURSUANT TO SECTION 44-40-111 (11) IN THE
13 GENERAL APPROPRIATION ACT FOR EXPENDITURES FOR PROJECTS TO BE
14 FINANCED FROM NET LOTTERY PROCEEDS APPROPRIATED FOR CAPITAL
15 CONSTRUCTION.

16 (II) FOR projects funded with net lottery proceeds, ~~but the~~
17 ~~six-month period shall begin to run only~~ ANY PROFESSIONAL SERVICES
18 CONTRACT MUST BE EXECUTED AND ENCUMBERED AND ANY CONTRACT
19 WITH THE CONTRACTOR MUST BE ENTERED INTO WITHIN SIX MONTHS OF
20 when an agency receives a distribution from such proceeds for a
21 particular project.

22 (c) This subsection (7) ~~shall~~ DOES not apply to:

23 (V) PROJECTS UNDER THE SUPERVISION OF THE DEPARTMENT OF
24 TRANSPORTATION;

25 (VI) A CAPITAL CONSTRUCTION PROJECT AT A STATE INSTITUTION
26 OF HIGHER EDUCATION THAT IS TO BE CONSTRUCTED SOLELY WITH CASH
27 FUNDS HELD BY THE INSTITUTION, FEDERAL FUNDS MADE AVAILABLE FOR

1 THE PROJECT, OR A COMBINATION OF BOTH;

2 (VII) THE STATE BOARD OF LAND COMMISSIONERS, ESTABLISHED
3 IN ARTICLE 1 OF TITLE 36, IN CONNECTION WITH CONTRACT EXPENDITURES
4 FROM THE STATE BOARD OF LAND COMMISSIONERS INVESTMENT AND
5 DEVELOPMENT FUND CREATED IN SECTION 36-1-153, OR THE COMMERCIAL
6 REAL PROPERTY OPERATING FUND CREATED IN SECTION 36-1-153.7; OR

7 (VIII) INFORMATION TECHNOLOGY PROJECTS THAT ARE OVERSEEN
8 BY THE JOINT TECHNOLOGY COMMITTEE PURSUANT TO PART 17 OF ARTICLE
9 3 OF TITLE 2. AS USED IN THIS SUBSECTION (7)(c)(VIII), "INFORMATION
10 TECHNOLOGY" HAS THE SAME MEANING AS SET FORTH IN SECTION
11 2-3-1701 (7).

12 (e) In the event that the governor restricts or delays the
13 expenditure of ~~moneys~~ MONEY for a project for which a professional
14 services contract is required pursuant to the authority granted TO the
15 governor in section 24-75-201.5, the ~~running of the six-month deadline~~
16 DEADLINES imposed in ~~paragraph (a) of this subsection (7)~~ SUBSECTION
17 (7)(a) OF THIS SECTION for such projects shall be tolled until such time as
18 the restriction or delay is no longer in effect, AT WHICH TIME THE
19 PROFESSIONAL SERVICES CONTRACT MUST BE EXECUTED AND
20 ENCUMBERED AND ANY CONTRACT WITH THE CONTRACTOR MUST BE
21 ENTERED INTO WITHIN SIX MONTHS.

22 (f) In the event that an appropriation is made to a state agency or
23 state institution of higher education for allocation to other state agencies
24 or state institutions of higher education, the ~~six-month period applies~~
25 DEADLINE to ~~the execution and encumbrance of~~ EXECUTE AND ENCUMBER
26 a contract by the agency or institution receiving the allocation ~~and begins~~
27 ~~to run~~ IS SIX MONTHS from the date of the allocation by the agency or

1 institution that received the original appropriation. Nothing in this
2 ~~paragraph (f) shall be~~ SUBSECTION (7)(f) IS construed to extend the
3 duration of any appropriation.

4 (g) ~~This subsection (7) shall not apply to:~~

5 (I) ~~A capital construction project at a state institution of higher~~
6 ~~education that is to be constructed solely from cash funds held by the~~
7 ~~institution or federal funds made available for the project or a~~
8 ~~combination of the cash funds and the federal funds; or~~

9 (H) ~~The state board of land commissioners, established in article~~
10 ~~1 of title 36, C.R.S., in connection with contract expenditures from the~~
11 ~~state board of land commissioners investment and development fund~~
12 ~~created in section 36-1-153, C.R.S., or the commercial real property~~
13 ~~operating fund created in section 36-1-153.7, C.R.S.~~

14 (h) ~~The six-month deadline imposed by subsection (7)(a) of this~~
15 ~~section does not apply to information technology projects that are~~
16 ~~overseen by the joint technology committee pursuant to part 17 of article~~
17 ~~3 of title 2. As used in this subsection (7)(h), "information technology"~~
18 ~~has the meaning provided in section 2-3-1701 (7).~~

19 **SECTION 6.** In Colorado Revised Statutes, 24-37-304, **amend**
20 (1)(c.3)(III) as follows:

21 **24-37-304. Additional budgeting responsibilities.** (1) In
22 addition to the responsibilities enumerated in section 24-37-302, the
23 office of state planning and budgeting shall:

24 (c.3) (III) The office may modify the recommended priority of
25 funding of capital construction or capital renewal projects of each state
26 agency and state institution of higher education for the upcoming fiscal
27 year no later than the ~~January 1~~ JANUARY 2 of the year following the

1 original submission described in ~~sub-subparagraph (C) of subparagraph~~
2 ~~(F) of this paragraph (c.3)~~ SUBSECTION (1)(c.3)(I)(C) OF THIS SECTION.

3 **SECTION 7.** In Colorado Revised Statutes, 24-48.5-312, **amend**
4 (3)(a)(III)(H) as follows:

5 **24-48.5-312. Art in public places program - allocations from**
6 **capital construction costs - guidelines - fund created - definitions.**

7 (3) (a) (III) The requirements specified in this subsection (3)(a) do not
8 apply to:

9 (H) Any capital construction projects that the capital development
10 committee, in consultation with the council, agrees do not meet the
11 original purpose of the requirement specified in ~~this paragraph (a), and~~
12 ~~determines by affirmative vote that the project meets one of the~~
13 ~~exceptions allowed in sub-subparagraphs (A) to (G) of this subparagraph~~
14 ~~(HH)~~ SUBSECTION (3)(a)(I) OR (3)(a)(II) OF THIS SECTION.

15 **SECTION 8.** In Colorado Revised Statutes, 24-75-303, **amend**
16 (5)(a)(II) as follows:

17 **24-75-303. Appropriation for capital construction.**

18 (5) (a) Except for an appropriation for a financed purchase of an asset or
19 certificate of participation payment, except as provided in subsection
20 (5)(b) of this section, and unless otherwise noted in a footnote in an
21 appropriation act, an appropriation for a capital construction budget item
22 or an information technology capital project, including capital
23 construction, controlled maintenance, or capital renewal projects, as such
24 terms are defined in section 24-30-1301, included in:

25 (II) A supplemental appropriation act authorized or required by
26 section 2-3-208, 24-37-304, 24-75-111 (5), or 24-75-111.5 (5) is available
27 for expenditure upon enactment of the supplemental appropriation act and

1 remains available for expenditure or encumbrance for ~~three~~ THE
2 REMAINDER OF THE FISCAL YEAR DURING WHICH THE SUPPLEMENTAL
3 APPROPRIATION ACT WAS ENACTED AND FOR THE NEXT TWO full fiscal
4 years ~~commencing with the fiscal year during which the supplemental~~
5 ~~appropriation act was enacted~~ THEREAFTER, or until the project is
6 completed, whichever is first; except that expenditures and nonmonetary
7 adjustments allowed under section 24-75-111 or 24-75-111.5 are
8 available for expenditure as specified in such sections.

9 **SECTION 9. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly; except
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V
13 of the state constitution against this act or an item, section, or part of this
14 act within such period, then the act, item, section, or part will not take
15 effect unless approved by the people at the general election to be held in
16 November 2026 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.